

Notice of Allowability

Application No.

10/562,854

Examiner

Marcus Menezes

Applicant(s)

CERRUTI ET AL.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/28/07.
2. ☒ The allowed claim(s) is/are 1 and 3-13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Kolasch on December 7, 2007.

The application has been amended as follows:

In the Claims:

Claim 1, page 2, line 8, --and in direct contact-- has been inserted before "by a plastic";

Claim 1, page 2, line 8, "or coating" has been deleted;

Claim 1, page 2, line 10, "tongue element." has been replaced with --tongue element, so that the tongue elements do not have any metal part in view which could become overheated by the sun and thus produce burnings or which could cause allergic reactions on anyone who handles the coupling device for the belt.--

Claim 13, page 5, line 6, --each-- has been inserted before "said stem portion";

Claim 2, page 2, has been cancelled. MM 12/19/07

Allowable Subject Matter

Claims 1 and 3-13 are allowed.

Claim 2 has been cancelled.

The following is an examiner's statement of reasons for allowance:

The applicant's independent claims, claims 1 and 13, have several similarities as well as differences with the Koyangi et al. patent (US 5,584,107, hereinafter "Koyangi"). Both applicant and Koyangi disclose a coupling device for restraining belts, comprising a body for connecting to at least one belt branch, and a pair of tongue elements each for connecting to a respective belt branch, wherein each tongue element includes an attachment portion for connecting to a respective belt branch and a stem portion arranged to be received and locked in the body, said stem portion defining a catch tooth for locking the tongue element in the body wherein each tongue element includes a metal insert covered by a plastic or rubber housing and where said metal insert containing a first part extending into the attachment portion and a second part extending into the stem portion of the tongue element. However, Koyangi fails to disclose that said tongue elements are wholly covered and in direct contact by said housing. The area defined as 31 in figure 4 of Koyangi constitutes part of the metal insert. This part of Koyangi is not covered by a plastic or rubber housing; thus failing the limitation of the independent claim 1. Further, there is no motivation to modify element 31 of Koyangi since any housing would get in the way of insertion of the tongue elements into the device body. Other prior art, such as Yamanishi (US 5,214,827) disclose a wholly covered metal insert (28) on a similar device, but the housing in Yamanishi fails to be in direct contact with the metal insert. Also, Nishino et al. (US 4,757,579, hereinafter

"Nishino") also suffers from not having tongue plates that are fully housed by rubber or plastic.

Regarding claim 13, not much prior art discloses a similar device with a push button running parallel with the insert direction of the tongues. Cited prior art, such as Di Perrero (US 6,694,577) discloses a similar device, and meet much of the independent claim 13 limitations, including a body with a latching mechanism including a locking means arranged to be moved in a perpendicular direction to the direction of insertion/ejection of the stem portions of the tongue elements into/out of the body for a coupled position. However, Di Perrero fails to disclose that said locking means engages the catch of each tongue element. Further, a modification to perform this function would destroy the structure of Di Perrero.

Therefore, none of the other prior art references whether taken alone or used in combination cure the deficiency of Koyanagi. Thus, the prior art as a whole made of record does not disclose or suggest the structural arrangement or the combination of structure set forth in Applicant's claims. As a result, the Examiner believes Applicant's claims as presented are patentably distinct from the prior art of record and the general prior art pertaining to belt coupling devices.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Menezes whose telephone number is 571-272-6284. The examiner can normally be reached on 8:00am - 5:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus Menezes
Examiner
Art Unit 3677

/MM/


ROBERT J. SANDY
PRIMARY EXAMINER